

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: JOHN

In re Application of:) <u>Response under 37 C.F.R. 1.116</u>
) <u>Expedited Procedure</u>
DETLEF JOHN & STEFAN BUTENKEMPER)	
Appl. No.: 10/700,012) Examiner: Muromoto Jr, R. H.
) Group Art Unit:3765
Filing Date: November 3, 2003)
)
For: WIRE CLOTH)

AMENDMENT UNDER 37 C.F.R. 1.116

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
S I R:

This communication is in response to the Official Action of February 21, 2006, having a shortened period for response terminating May 22, 2006.

The Commissioner is hereby also authorized to charge any fees which may be required during the pendency of this application, including any patent application processing fees under 37 C.F.R. 1.17, and any filing fees under 37 C.F.R. 1.16, including presentation of extra claims, or credit any overpayment to Deposit Account No: 06-0502.

REMARKS

The last Office Action of February 21, 2006 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-11 are pending in the application. No amendments have been made. No fee is due.

Claims 1-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,049,796 to Pall. It is again noted that the reference to Pall '650 in the Office Action is in error and should read Pall '796. This had also been confirmed by the Examiner during a telephone conversation on November 28, 2005.

The rejection by the Examiner of claim 1 is based on a misinterpretation of the subject matter of the present invention, as set forth in claim 1. In the Office Action, the Examiner appeared to interpret the term "clear distance" (referred to erroneously as "clear spacing") as relating to a space that is free of any obstacle, i.e. the space that is not occupied by the weft wires between the warp wires. Based on this definition of "clear distance", the Examiner submitted an elaborate calculation to substantiate that the "free space" between the warp wires is smaller than the diameter of the weft wires. In other words, the weft wires have each a diameter which is greater than this free space. This interpretation of the term "clear distance" is divorced from the disclosure in the instant specification.

As described in paragraph [0018] of the instant specification and illustrated in Fig. 3, the clear distance is labeled by reference character "sk" and is defined as the distance between the warp wires (11). In other words, clear distance is to be understood as the available (free) space between the inside boundaries of the neighboring warp wires, i.e. the shortest distance between the confronting sides of the warp wires. Reference character "sk" unequivocally relates in Fig. 3 to this distance.

The term "clear distance" is a term generally accepted in the art and is used to distinguish, for example, this distance from a distance between longitudinal center axes of the two neighboring warp wires. (see paragraph [0007] of the instant specification). In this context, the Examiner, by way of example, is also referred to U.S. Pat. No. 5,240,533, which relates in col. 4, lines 58-60 to a "clear distance x", shown in Fig. 1 and relating to the distance between the confronting inside walls of the layers (2, 3).

It is applicant's contention that the term "clear distance" is unequivocal in the context of the instant specification and cannot be interpreted in light of the specification as "unobstructed voids" where no weft wires are located between the warp wires.

An essential feature of the present invention is the provision of weft wires that have a diameter equal or greater than the clear distance between two neighboring warp wires so that the weft wires are constricted in the cross regions with the warp wires. As a result of this weaving pattern or constriction, the weft wire becomes, in fact, deformed in the area between the neighboring warp wires.

The difference between the subject matter of the present invention and the disclosure in Pall is evident by a comparison between Fig. 3 of the instant specification and Fig. 4 of Pall. Reference is made in this context to attached Appendix A which illustrates schematically and reflects the differences between the present invention and Pall. The upper illustration shows the weaving technique of the present invention, with the weft wire being constricted between the warp wires because the diameter of the weft wire, labeled D2, is **smaller** than the clear distance, labeled D1, between neighboring warp wires, i.e. $D1 < D2$. The lower illustration shows the weaving technique of Pall, whereby in this case the diameter of the weft wire is **greater** than the clear distance between neighboring warp wires, i.e. $D1 > D2$.

As noted above, this difference between the present invention and the Pall disclosure is evident by comparing instant Fig. 3 with the Pall Fig. 4.

As a result of the different weaving techniques involved here, the weft wire of the present invention is thus deformed in weft direction, whereas the weft wire in Pall is deformed in warp direction.

Please note also that claim 1 of the present invention relates to a wire cloth made of single wires, while the Pall reference is directed to a fabric made of filaments.

For the reasons set forth above, it is applicant's contention that Pall neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

Date: April 21, 2006
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212) 244-5500
HMF:be

APPENDIX A

